

Table 10: Pro Se and Prisoner Litigation

Methods for Managing Pro Se and Prisoner Cases—Does the court use any special procedures for handling pro se and prisoner cases?

Court Assistance to Pro Se and Prisoner Litigants—What assistance does the court give to pro se and prisoner litigants (e.g., packets of forms, handbooks)?

Methods for Providing Counsel to Pro Se Litigants—How does the court provide counsel to pro se litigants?

Other—Are there other relevant provisions?

District	Methods for Managing Pro Se and Prisoner Cases	Court Assistance to Pro Se and Prisoner Litigants	Methods for Providing Counsel to Pro Se Litigants	Other
M.D. Ala.	Prisoner cases are assigned to magistrate judges for a report and recommendation.	IA	IA	
N.D. Ala.	Cases unlikely to need any discovery and cases brought pro se by persons in custody will not be required to confer and develop for presentation to the court a proposed plan for discovery and case management. Loc. R. 26.1(d)(3)	IA	IA	
S.D. Ala.	IA	IA	IA	
D. Alaska	IA Loc. R. 9.3	IA	IA	
D. Ariz.	Prisoner cases and pro se litigation will be assigned to the DCM track under development.	IA	IA	
E.D. Ark.	IA Loc. R. F-1.B (5/1/80; Revised 1/2/90)	IA Loc. R. B-4 (5/87)	IA Loc. R. B-4 (5/87)	The court will closely monitor the effect of prisoner petitions on the docket.

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W.D. Ark.	IA Loc. R. F-1, § B (5/80; Revised 1/90)	IA Loc. R. B-4 (5/87)	IA Loc. R. B-4 (5/87)	
C.D. Cal.	IA General Order 194	IA	IA	
E.D. Cal.	IA Loc. R. 302(c)(17) (10/84; Revised 5/91)	The court will expand the attorney panels for pro se cases and habeas corpus petitioners.	IA General Order 188 General Order 230	
N.D. Cal.	IA General Order 18 (3/17/81) Loc. R. 295 Loc. R. 296	The court will consider the possibility of a new, ongoing program, possibly with the help of one or more law schools and with a permanent staff, advising and serving as ombudsmen to prisoners at the prison site.	The court will work with the Advisory Group to intensify efforts of the local bar association to expand the pool of attorneys willing to undertake pro bono representation of civil pro se clients. General Order 25	The court, beginning in 1992, conducted an intensive analysis of the role that various forms of civil pro se litigation (including prisoner petitions) are playing in the court. The court will then consider a wide range of options (e.g., programs with a neutral party at the prisons). (The court was unable to implement some of the Advisory Group's recommendations due to its inability to hire additional staff.)
S.D. Cal.	IA Loc. R. 9.3 (12/91; Revised 4/94) Loc. R. 74 (12/91; Revised 4/94) Loc. R. 74.1 (12/91; Revised 4/94)	IA	IA Loc. R. 9.3 (12/91; Revised 4/94)	
D. Colo.	IA Loc. R. 72.4 (Revised 4/15/94)	IA	IA	
D. Conn.	IA Loc. R. 25 (1985)	IA Loc. R. 29 (1985)	IA Loc. R. 29 (1985)	
D. Del.	The court will adopt a master scheduling order to process prisoner cases.	IA	The court should consider establishing a panel of lawyers to serve as appointed counsel for petitions to proceed in forma pauperis.	
D.D.C.	IA	IA	Judges will decide as soon as possible after a case is assigned to them whether appointment of counsel is appropriate and, if so, will appoint counsel as soon as possible.	In pro se prisoner cases involving the DC Department of Corrections, the judge will grant a 90-day stay to permit the grievance process certified by the Department of Justice to run its course. The exceptions are a need for immediate judicial intervention, the exhaustion of the grievance

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			Loc. R. 702.1(a)(1)	process, or a determination by the judge that the grievance process will not resolve the complaint.
M.D. Fla.	Prisoner and pro se cases are managed by staff attorneys. (PD)	IA	IA	The court rejected an Advisory Group recommendation that defendants in pro se prisoner civil rights cases file a special report.
N.D. Fla.	IA	IA Loc. R. 3 (Revised 84) Loc. R. 5.1 (Proposed)	IA	
S.D. Fla.	IA	IA	IA	
M.D. Ga.	IA	The court has hired a pro se law clerk to assist pro se litigants.	IA	The court is working with Georgia's Attorney General to institute a better grievance procedure in the state prison system that will reduce the number of prisoner petitions in this court.
N.D. Ga.	IA Loc. R. 260-3	IA	IA	
S.D. Ga.	IA	IA	IA	
D. Guam	Actions filed by or on the behalf of convicted prisoners, pretrial detainees, or other persons confined in a territorial or federal institution challenging the validity or the conditions of confinement are exempt from case scheduling requirements described in Table 2. With the exception of prisoner cases, if the plaintiff is proceeding pro se, the defendant will contact the plaintiff and arrange a meeting in order to comply with the scheduling and discovery requirements within the appropriate time frames.	IA	IA	
D. Haw.	IA	IA	IA	The Hawaii bar and the federal bar will provide input on the means to establish a pro per pro bono referral service. The clerk will obtain copies of existing pro per litigation

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	Loc. R. 401-5 (11/91) Loc. R. 401-6 (11/91)	Loc. R. 220-13 (11/91)		handbooks from other jurisdictions in order to evaluate the possibility of creating a handbook for this district.
D. Idaho	Pro se prisoner cases will be eligible for settlement weeks.	IA	IA	The court, in conjunction with the federal bar, will develop a comprehensive handbook that will be distributed to pro se litigants at no cost. In cooperation with the state bar, the CJRA committee, and the Idaho Volunteer Lawyers program, a videotape will be created for non-pro se prisoner litigants designed to focus upon those aspects of pro se litigation that most often result in wasted court time and confusion for litigants. Sanctions may be imposed by the court against pro se litigants who file frivolous cases and against government attorneys who do not respond to valid motions or requests by pro se litigants.
C.D. Ill.	IA Loc. R. 2.12	IA Loc. R. 2.12	IA Loc. R. 1.2 (1/92)	
N.D. Ill.	IA	IA	IA	Budgetary constraints limit the number of staff law clerks available to handle prisoner-related work. The court supports the suggestion of the Advisory Group that a handbook be prepared for counsel appointed to represent pro se plaintiffs in Title VII cases.
S.D. Ill.	IA	IA	IA	
N.D. Ind.	In all pro se prisoner civil rights cases filed after 1/1/92, the judicial officer will enter scheduling orders and conduct telephonic initial pretrial conferences where feasible to illuminate the issues and to determine reasonable deadlines.	IA	The court routinely directs plaintiffs seeking counsel under 28 U.S.C. § 1915(d) to report to the court within 60 days on efforts to obtain counsel.	The court will continue to screen prisoner civil rights complaints sought to be filed in forma pauperis and to deny petitions for pauper status in complaints that are frivolous. The court has a procedure that requires plaintiffs to file partial filing fees.

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S.D. Ind.	IA	IA	IA Loc. R. 4.6	Loc. R. 8.1
N.D. Iowa	IA	IA	IA	
S.D. Iowa	IA	IA	IA	The magistrate judges will continue to implement and evaluate a pilot project for expediting prisoner litigation.
D. Kan.	IA	IA	IA	The clerk has added one additional pro se law clerk and one paralegal. The court recommends that the Advisory Group revisit the pro se prisoner operation in 1 year to ascertain whether or not the addition of staff has been sufficient to clear up the backlog of prisoner cases.
E.D. Ky.	IA Loc. R. 15	IA	IA	
W.D. Ky.	IA Loc. R. 15	IA	IA	
E.D. La.	IA Loc. R. 19.02E (5/89)	IA	IA	
M.D. La.	IA	IA	IA	
W.D. La.	Prisoner cases are assigned to a separate track in the DCM system for special handling.	IA	IA	
D. Me.	Prisoner civil rights cases are assigned to a magistrate judge who enters the scheduling order. In pro se prisoner cases arising out of Maine State Prison, the magistrate judge will, after issue is joined, visit the prison for a conference with the plaintiff and the attorney for the defendant(s).	The clerk's office has prepared a handout explaining the risks and dangers of proceeding without a lawyer and the requirements to which pro se litigants are held in this district.	The court has requested major law firms to provide lists of attorneys willing to accept appointment in pro se cases even though payment is not available.	

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D. Md.	IA	IA Loc. R. 103 Loc. R. 112	IA Loc. R. 701	
D. Mass.	IA	IA	IA	
E.D. Mich.	IA Loc. R. 7.1(b)(2)	IA	IA	
W.D. Mich.	Prisoner civil rights cases should ordinarily be assigned to the administrative DCM track. (This procedure was revised on 9/92—see Table 4 for more details.)	IA	IA	A plan should be devised to determine the nature and circumstances of cases requiring personal appearances, video or telephonic conferences and/or hearings, and systems put in place to conduct such procedures when appropriate. The immediate application of this capability is in prisoner civil rights cases, but it can be extended to other types of actions as well.
D. Minn.	IA	The court, in conjunction with the federal bar, will develop a comprehensive information handbook.	The court will seek resources to recruit and train volunteer attorneys for its pro se panel.	
N.D. Miss.	IA	IA	IA	The court will keep the current system of processing pro se and prisoner cases and continue to explore innovative approaches.
S.D. Miss.	IA	IA	IA	The court will keep the current system of processing pro se and prisoner cases and continue to explore innovative approaches.
E.D. Mo.	A separate DCM track is established for pro se prisoner cases. This track has its own subtracks: expedited, standard, and nonstandard prisoner actions.	All parties in prisoner civil rights cases are exempt from the requirement that parties file a track information statement. The court will make the track assignment on the basis of the complaint.	IA	
W.D. Mo.	IA	IA	IA	

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D. Mont.	IA	IA	IA	
D. Neb.	IA Loc. R. 72.1(c)–(d) (Revised 1/93) Loc. R. 83.10–83.13 (Revised 1/93)	IA Loc. R. 83.10–83.11 (Revised 1/93) Loc. R. 83.13 (Revised 1/93)	IA Loc. R. 83.4(f) (Revised 1/93) Loc. R. 83.11(g) (Revised 1/93)	
D. Nev.	A special study committee will examine the following issues with respect to prisoner and pro se cases: 1. ADR for prisoner complaints; 2. filing fee schedule revisions; 3. sanctions (monetary and nonmonetary); 4. a pro se handbook; and 5. standardized discovery.	The court will distribute a handbook to pro se litigants.	IA	
D.N.H.	Magistrates will screen all pro se complaints prior to service. This practice will be codified as a local rule.	For pro se cases, the court will maintain closer liaison with the state pro bono program, as well as all other state bar referral services (including the reduced fee referral program). The court will provide pro se litigants a list containing information about various bar association services after initial screening of the complaint by the magistrate judge. For prisoner litigation, the Massachusetts federal defender office will open a branch in New Hampshire.	For pro se cases, the court will maintain closer liaison with the state pro bono program, as well as all other state bar referral services (including the reduced fee referral program). The court will provide pro se litigants a list containing information about various bar association services after initial screening of the complaint by the magistrate judge. For prisoner litigation, the Massachusetts federal defender office will open a branch in New Hampshire.	State officials are encouraged to develop procedures for in-house nonbinding review of prisoner complaints before an independent board.
D.N.J.	Whenever a prisoner files a civil rights complaint, habeas petition, or motion for relief under 28 U.S.C. § 2255 and seeks in forma pauperis status, an affidavit will be required to establish that the prisoner is unable to pay the fees and costs of the proceeding. The prisoner will also submit a certification, signed by an authorized officer of the facility, of the amount currently on deposit, as well as the greatest amount (in the preceding 6 months) on deposit in the prisoner's prison account. The clerk may reject filings that do not comply. In forma pauperis will not be granted	IA	IA	

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	if a prisoner's account balance exceeds \$200.00. Gen. R. 29B (10/84; Revised 12/91)		Appendix H to Gen. R.	
D.N.M.	IA	The pro se law clerk will prepare a pro se handbook.	Each judge will consider appointing pro bono counsel in pro se cases. The chief judge will seek approval from state officials to waive certain rules that restrict attorneys who represent the state government from representing prisoners. The court will also use bench and bar funds to reimburse pro bono attorney expenses.	
E.D.N.Y.	IA Rules Governing Procedures for Appointment of Attorneys in Pro Se Civil Actions	IA	IA	
N.D.N.Y.	The pro se attorney will report to the court whether or not the case has meritorious and complicated issues requiring extensive discovery. If these criteria are not found, the case is placed on a fast track and the trial must be held within 6 to 8 months from the date of filing. If these criteria do exist, the trial must occur within 18 months of filing.	IA	IA	
S.D.N.Y.	All cases brought by an individual pro se plaintiff will be referred to the same magistrate judge.	IA	IA	Mandatory standardized discovery will be required in pro se prisoner cases.
W.D.N.Y.	In pro se prisoner cases and within 60 days of filing, the court will issue an order setting deadlines.	IA	IA Loc. R. 3	
E.D.N.C.	All prisoner cases will have a scheduling order entered by the clerk, establishing a deadline for the pretrial order and a date for trial.	IA	IA	
M.D.N.C.	IA	IA	IA	

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W.D.N.C.	IA	IA	IA	The CJRA Plan does not apply to pro se prisoner cases.
D.N.D.	IA	IA	IA	
D. N. Mar. I.	IA	IA	IA	
N.D. Ohio	IA	IA	IA	
S.D. Ohio	IA General Order 81-4 (9/81)	IA	IA	
E.D. Okla.	IA	IA	IA	
N.D. Okla.	Habeas corpus petitions and prisoner civil rights cases will be screened by the pro se law clerk. Case management conferences will not be conducted in prisoner cases unless directed by the court.	IA Loc. R. 9.3(A)	IA	
W.D. Okla.	The court has a special DCM track for prisoner litigation.	IA	IA	
D. Or.	The clerk will require that all prisoner petitions filed pursuant to 28 U.S.C. §§ 2241, 2254, or 2255 are presented on the form petition approved by the court. Prisoner petitions are screened by the pro se law clerk.	IA	IA	
E.D. Pa.	IA	IA	IA	
M.D. Pa.	IA Loc. R. 72.5 (Revised 11/88) Loc. R. 72.6 (Revised 11/88)	IA Loc. R. 16.3 (Revised 1/94)	IA	
W.D. Pa.	IA Loc. R. 72.1.4 (10/93) Loc. R. 9.3–9.5 (10/93)	IA Loc. R. 9.3–9.5 (10/93)	IA	
D.P.R.	IA	IA	IA	

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D.R.I.	IA	IA	IA	The court rejected the Advisory Group's recommendation that a pamphlet of instructions for pro se litigants be prepared and distributed. The court felt that a pamphlet would unnecessarily constrain the court in its management of pro se cases.
D.S.C.	IA	IA	IA	The court recommends changes in the local rules that clarify the exemption of pro se cases from Loc. R. 7.00.
D.S.D.	IA	IA	The court established a "District Court Fund" to reimburse certain expenses incurred by appointed counsel; this fund is based on the admission fees of all counsel.	Prisoner and pro se matters are handled according to the internal procedures of the Southern Division of the court (in Sioux Falls).
E.D. Tenn.	IA	IA	IA	The court will exempt pro se prisoner cases from the requirement of a pretrial conference if the plaintiff is in the custody of either state or federal authorities.
M.D. Tenn.	Magistrate judges are assigned prisoner cases.	IA	IA	
W.D. Tenn.	IA	The pro se staff attorney will compile a handbook for pro se litigants on subjects of frequent inquiry or misunderstanding.	The district anticipates hiring an additional pro se lawyer when filings reach the required level.	The court directs the pro se attorney to gather pertinent information for the court on uniform grievance procedures at county correctional facilities within the district.
E.D. Tex.	IA	IA	IA	
N.D. Tex.	IA Loc. R. 3.2(b) (3/78) Loc. R. 3.2(c) (3/78)	Civil rights actions filed by incarcerated persons are exempt from the requirement of a pretrial scheduling order.	IA	The clerk's office will provide all litigants and pro se parties with the court's ADR pamphlet.
S.D. Tex.	Staff attorneys will screen pro se plaintiff cases for defects, with procedural instructions being forwarded to the plaintiffs as necessary, and preparation of proposed dismissals of frivolous	IA	IA	

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	complaints as appropriate. The monitoring process will be the same as that for prisoner civil rights cases.			
W.D. Tex.	IA	IA	IA	
D. Utah	IA	IA	IA	
D. Vt.	The magistrate judge and the reporter should continue their efforts to cooperate with the Department of Corrections in drafting an adequate state grievance procedure. The reporter, in consultation with the magistrate judge, should prepare a report on whether the use of a model discovery form in pro se cases in other districts has been successful in obtain information necessary to process the petitions expeditiously. If other districts' experience has proven successful, the reporter should draft a proposed form or forms for use by the district.	IA	Loc. R. 103-1(b)(3) Until the bar relations subcommittee is able to solicit assistance from the bar for pro se prisoners, the magistrate judge should send a letter to members of the district bar asking their assistance in providing representation to pro se prisoners in appropriate cases.	
D.V.I.	IA	IA	IA	
E.D. Va.	IA	IA	IA	The court's efforts to process pro se prisoner cases predate the CJRA.
W.D. Va.	All pro se prisoner cases will be filed in the Roanoke division. These cases will be managed by the magistrate judge, who will oversee the work of two pro se law clerks.	IA	IA	Any prisoner case that cannot be handled without an evidentiary hearing will be transferred to the division where the prisoner complaint arose.
E.D. Wash.	The court will assign more prisoner cases to the magistrate judges if their calendars permit. The court will consider updating the courtroom in Walla Walla for prisoner complaints.	The number and complexity of pro se and habeas corpus cases make a screening pro se staff attorney to assist the court a necessary support staff position.	The court and/or the Department of Corrections will convene a task force to evaluate the issue of prisoner grievances and litigation.	The court will request funding to implement a pilot program to establish an ombudsperson to evaluate prisoner complaints and act as a mediator to resolve such matters without court action.
W.D. Wash.	IA	IA	IA	

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N.D. W. Va.	Prisoner cases are type I cases in the DCM system. The clerk will continue current case management practices.	IA Loc. R. 2.04	IA	
S.D. W. Va.	IA Loc. R. 2.03 Loc. R. 2.01	IA Loc. R. 2.03	IA Loc. R. 2.03	
E.D. Wis.	IA Loc. R. 12.01 Loc. R. 12.02 Loc. R. 13.03 Loc. R. 13.06	IA	IA Loc. R. 13.06(1)	
W.D. Wis.	The clerk will make available to pro se litigants all appropriate forms for the filing of an action. Applications to proceed in forma pauperis will be reviewed by a deputy clerk and by a law clerk of the assigned judge.	When a pro se plaintiff demonstrates an inability to prosecute 2 or more cases simultaneously, the court will enter an order dismissing all but the first without prejudice pending resolution of the first case, except when a later case involves an ongoing condition or a plaintiff may be prejudiced by delay.	The court will attempt to secure counsel to assist pro se litigants when the assistance of counsel is deemed necessary to assist litigants in the prosecution of their cases. The court will establish a resource center in the courthouse to facilitate the sharing of forms and research among appointed counsel.	
D. Wyo.	IA Loc. R. 501 (11/92) Loc. R. 502 (11/92)	IA	IA	